



UNITED STATES DEPARTMENT OF COMMERCE
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SERIAL NUMBER	FILING DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NO.
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IM62/0628

EXAMINER	
WYSZOMIERSKI, G	
ART UNIT	PAPER NUMBER
1742	7

DATE MAILED. 06/28/99

Below is a communication from the EXAMINER in charge of this application

COMMISSIONER OF PATENTS AND TRADEMARKS

ADVISORY ACTION

☒ THE PERIOD FOR RESPONSE:

- a) ☐ is extended to run _____ or continues to run _____ from the date of the final rejection
- b) ☒ expires three months from the date of the final rejection or as of the mailing date of this Advisory Action, whichever is later. In no event however, will the statutory period for the response expire later than six months from the date of the final rejection.

Any extension of time must be obtained by filing a petition under 37 CFR 1.136(a), the proposed response and the appropriate fee. The date on which the response, the petition, and the fee have been filed is the date of the response and also the date for the purposes of determining the period of extension and the corresponding amount of the fee. Any extension fee pursuant to 37 CFR 1.17 will be calculated from the date of the originally set shortened statutory period for response or as set forth in b) above.

☐ Appellant's Brief is due in accordance with 37 CFR 1.192(a).

☒ Applicant's response to the final rejection, filed 6/21/99 has been considered with the following effect, but it is not deemed to place the application in condition for allowance:

1. ☐ The proposed amendments to the claim and/or specification will not be entered and the final rejection stands because:
- a. ☐ There is no convincing showing under 37 CFR 1.116(b) why the proposed amendment is necessary and was not earlier presented.
 - b. ☐ They raise new issues that would require further consideration and/or search. (See Note).
 - c. ☐ They raise the issue of new matter. (See Note).
 - d. ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal.
 - e. ☐ They present additional claims without cancelling a corresponding number of finally rejected claims.

NOTE: _____

2. ☒ Newly proposed or amended claims 18 would be allowed if submitted in a separately filed amendment cancelling the non-allowable claims.

3. ☒ Upon the filing an appeal, the proposed amendment ☒ will be entered ☐ will not be entered and the status of the claims will be as follows:

Claims allowed: 18

Claims objected to: _____

Claims rejected: 7, 15, 16, 17

However:

- ☒ Applicant's response has overcome the following rejection(s): 35 USC 112 relative to use of word "bars" as declaration indicates that "rods" (originally stated) and "bars" are used interchangeably.
4. ☒ The affidavit, exhibit or request for reconsideration has been considered but does not overcome the rejection because remainder of the 35 USC 112, 1st para. rejections because no convincing showing has been made that the features alleged to be new matter would have been considered disclosed by the original specification
- ~~5. ☐ The affidavit or exhibit will not be considered because applicant has not shown good and sufficient reasons why it was not earlier presented. to a person of ordinary skill in the art.~~

☐ The proposed drawing correction ☐ has ☐ has not been approved by the examiner.


☐ Other

George Wyszomierski
GEORGE WYSZOMIERSKI
PRIMARY EXAMINER
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1742

Art Unit: 1742

1. In the August 10, 1999 declaration (Paper no. 8), Mr. Brada refers to the Steel Products Manual as evidence that one skilled in the art would have interpreted the term "tool steel" as originally recited in the specification as disclosing the presently claimed "blocks". However, Steel Products Manual page 5 states that tool steels are produced in a number of forms, including "forgings" as well as numerous other forms. Then, page 7 of Steel Products Manual states that forgings of tool steels are produced in many shapes including "blocks" as well as numerous other shapes. Nothing in Steel Products Manual grants any special status to the production of "blocks" of tool steel, but merely indicates that one possible shape of one possible form out of many possible shapes and forms that tool steels can be produced in is that of a "block". The examiner therefore concludes that the original disclosure of "tool steel" (in general) in the specification as filed does not convey the essence of the specific term "block".
2. The rejection under 35 USC 112 first paragraph based upon claimed terms "block" and "maintaining...stationary" stands.
3. Any inquiry concerning this communication should be directed to George Wyszomierski at telephone number (703) 308-2531.

GPW
August 12, 1999


GEORGE WYSZOMIERSKI
PRIMARY EXAMINER
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1742